

1 **Rule 14-701. Definitions.**

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3 As used in this article:

4
5 (a) "ABA" means the American Bar Association;

6
7 (b) "Active Practice" means work performed by an attorney holding an "active" status
8 law license and having professional experience and responsibilities involving the Full-
9 time Practice of Law as defined in ~~sections-paragraphs~~ (u) and (jj). The Active Practice
10 of law includes any ~~combination~~ of the following activities provided that such
11 employment is available only to licensed attorneys and the activities are performed in
12 the jurisdiction in which the Applicant is admitted;

13
14 (1) sole practitioner, or partner, shareholder, associate, or of counsel in a law
15 firm;

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17 (2) an organization's employee whose principal responsibility is to provide legal
18 advice or service;

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20 (3) government employee whose principal duties are to provide legal advice or
21 service;

22
23 (4) service in the United States armed forces as a lawyer or judge;

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25 (5) judge of a court of general or appellate jurisdiction provided that such
26 employment requires admission to the bar for the appointment thereto and for
27 the performance of the duties thereof;

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29 (6) law clerk to a judge of a court of general or appellate jurisdiction; or

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31 (7) teaching full-time at an Approved Law School; and

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33 (8) the Active Practice of law ~~shall~~does not include work that, as undertaken,
34 constitutes the unauthorized practice of law in the jurisdiction in which it was
35 performed or in the jurisdiction in which the clients receiving the unauthorized
36 services were located, nor ~~shall~~does it include work completed in advance of
37 any bar admission.

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39 (c) "Admissions Committee" means those Utah State Bar members or others appointed
40 by the Board or president of the Bar who are charged with recommending standards
41 and procedures for admission to the Bar and with implementation of this article. The
42 Admissions Committee is responsible for supervising the work of the Bar Examiner
43 Committee, the Test Accommodations Committee, and the Character and Fitness
44 Committee, handling requests for review as provided herein and performing other
45 work relating to ~~the admission of Applicants~~Applicant admissions;

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47 (d) "Applicant" means each person requesting admission to the Bar. For purposes of this
48 article, an Applicant is classified as a Student Applicant, a Foreign Law School
49 Applicant, an Attorney Applicant, a Motion Applicant, a Disbarred Attorney Applicant,
50 a Foreign Legal Consultant Applicant, a House Counsel Applicant, a Formerly-
51 Admitted Applicant, a Military Lawyer Applicant, or a Military Spouse Attorney
52 Applicant.

53

54 (e) "Approved Law School" means a law school which is fully or provisionally
55 approved by the ABA pursuant to its Standards and Rules of Procedure for Approval of
56 Law Schools. To qualify as approved, the law school must have been fully or
57 provisionally approved at the time of the Applicant's graduation, or at the time of the

58 Applicant's enrollment, provided ~~that~~ the Applicant graduated within a typical and
59 reasonable ~~period of time~~;

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61 (f) "Attorney Applicant" means any person who satisfies the requirements of Rule 14-
62 704;

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64 (g) "Bar" means the Utah State Bar, including its employees, committees and the Board;

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66 (h) "Bar Examination" means the Bar Examination as defined in Rules 14-710 and 14-
67 711;

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69 (i) "Bar Examiner Committee" means those Bar members or others appointed by the
70 Board or president of the Bar who are charged with grading the Bar Examination;

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72 (j) "Board" means the Board of Bar Commissioners;

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74 (k) "Character and Fitness Committee" means those Bar members or others appointed
75 by the Board or president of the Bar who are charged with assessing the character and
76 fitness of Applicants and making determinations thereon;

77

78 (l) "Complete Application" means an application that includes all fees and necessary
79 application forms, along with any required supporting documentation, character
80 references, a criminal background check, a photo, an official certificate of law school
81 graduation and if applicable, a test accommodation request with supporting medical
82 documentation, a certificate of admission and/or good standing, and a certificate of
83 discipline;

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85 (m) "Confidential Information" is defined in Rule 14-720(a);

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87 (n) "Deputy General Counsel for Admissions" or "Deputy General Counsel" are terms
88 used interchangeably to mean the Bar's attorney in charge of admissions or her or his
89 designee.

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91 (o) "Disbarred Attorney Applicant" means a person who has previously been licensed to
92 practice law in Utah and who is no longer licensed to practice law because of
93 disbarment or resignation with discipline pending or their equivalent and who satisfies
94 the requirements of Rule 14-708(g) and 14-717.

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96 (p) "Executive Director" means the executive director of the Utah State Bar or her or his
97 designee.

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99 (q) "First Professional Degree" means a degree that prepares the holder for admission
100 to the practice of law (e.g. juris doctorate) by emphasizing competency skills along with
101 theory and analysis. An advanced, focused, or honorary degree in law is not recognized
102 as a First Professional Degree (e.g. master of laws or doctor of laws).

103
104 (r) "Foreign Law School" means any school located outside of the United States and its
105 protectorates, that is accredited by that jurisdiction's legal accreditation body, if one
106 exists, where principles of English Common Law form the predominant basis for that
107 country's system of jurisprudence, and whose graduates are otherwise permitted by
108 that jurisdiction's highest court to practice law.

109
110 (s) "Foreign Legal Consultant Applicant" means any Applicant who satisfies the
111 requirements of Rule 14-718.

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113 (t) "Formerly-Admitted Applicant" means a person who has previously been licensed to
114 practice law in Utah who is no longer licensed to practice law because of resignation

115 without discipline pending or failure to pay licensing fees for three or more years
116 under Rule 14-107(b)(4), and who satisfies the requirements of Rule 14-717.

117
118 (ut) "Full-time Practice" means the Active and lawful Practice of Law for no fewer than
119 80 hours per month. Time spent on administrative or managerial duties, continuing
120 legal education, or client development and marketing does not qualify as part of the
121 required 80 hours of legal work.

122
123 (vt) "General Counsel" means the General Counsel of the Utah State Bar or her or his
124 designee.

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126 (wv) "House Counsel Applicant" means any Applicant who satisfies the requirements
127 of Rule 14-719.

128
129 (xw) "House Counsel" means a person granted a license under Rule 14-719.

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131 (yx) "Inactive" means an attorney's law license is held in "inactive status" or an
132 equivalent term.

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134 (zy) "MBE" means the Multistate Bar Examination prepared by the NCBE.

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136 (aa) "MEE" means the Multistate Essay Examination prepared by the NCBE.

137
138 (baa) "Military Lawyer Applicant" means any Applicant who satisfies the
139 requirements of Rule 14-804.

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141 (ccb) "Military Spouse Attorney Applicant" means any Applicant who satisfies the
142 requirements of Rule 14-805.

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144 (ddee) "Motion Applicant" means any person who satisfies the requirements of Rule 14-
145 705_z.

146

147 (eeed) "MPRE" means the Multistate Professional Responsibility Examination prepared
148 by the NCBE_z.

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150 (ffee) "MPT" means the Multistate Performance Test prepared by the NCBE_z.

151

152 (ggff) "NCBE" means the National Conference of Bar Examiners, an organization that
153 develops, maintains, and applies reasonable and uniform standards of bar examination
154 education and testing_z.

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156 (hhgg) "OPC" means the ~~Bar's~~ Office of Professional Conduct_z.

157

158 (ii) "Person" includes the plural as well as the singular and legal entities as well as
159 natural persons.

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161 (hhjj) "Practice of Law" means employment available only to licensed attorneys where
162 the primary duty of the position is to represent the interests of another person by
163 informing, counseling, advising, assisting, advocating for or drafting documents for
164 that person through application of the law and associated legal principles to that
165 person's facts and circumstances. ~~'Person' includes the plural as well as the singular~~
166 ~~and legal entities as well as natural persons.~~ The Practice of Law constitutes more than
167 merely working with legally-related matters_z.

168

169 (jjkk) "Privileged Information" in this article includes: information subject to the
170 attorney-client privilege, attorney work product, test materials and applications of
171 examinees; correspondence and written decisions of the Board, Admissions Committee,
172 Bar Examiner Committee, Character and Fitness Committee, and Test Accommodations

173 Committee; and the identity of individuals participating in the drafting, reviewing,
174 grading and scoring of the Bar Examination².

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176 (~~kkjjll~~) "Reapplication for Admission" means that for two years after the filing of an
177 original application, an Applicant may reapply by completing a Reapplication for
178 Admission form updating any information that has changed since the prior application
179 was filed and submitting a new criminal background check². ~~Resigned Applicant" means~~
180 ~~a person who has previously been licensed to practice law in Utah who is no longer~~
181 ~~licensed to practice law because of resignation without discipline pending or~~
182 ~~resignation under Rule 14-508(d) and who satisfies the requirements of Rule 14-717(a);~~

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184 (~~Hmm~~) "Student Applicant" means any person who satisfies the requirements of Rule
185 14-703(a) who has never been admitted as an attorney in any jurisdiction; ~~jurisdiction.~~

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187 (~~mmnn~~) "Supreme Court" means the Utah Supreme Court².

188

189 (~~noo~~) "Test Accommodations Committee" means those Bar members or others
190 appointed by the Board or president of the Bar who are charged with the review of
191 requests from Applicants seeking to take the Bar Examination with test
192 accommodations and who make determinations thereon².

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194 (~~oopp~~) "Unapproved Law School" means a law school that is not fully or provisionally
195 approved by the ABA. For an Unapproved Law School's graduates to be eligible for
196 admission, the law school must be accredited in the jurisdiction where it exists, provide
197 legal education that is the substantial equivalent of the legal education provided by an
198 Approved Law School, and not be based on correspondence or internet study².

199

200 (~~ppqq~~) "UBE" means the Uniform Bar Examination as prepared by the NCBE².

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202 (~~rrqq~~) "Updated Application" means that an Applicant is required to amend and update
203 ~~her or his~~their application on an ongoing basis and correct any information that has
204 changed since the application was filed;~~and.~~

205

206 (~~ssrr~~) "Written Component" means that portion of the Bar Examination that consists of
207 MEE and MPT questions.

208

209 Effective *September 1, 2020*.